

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

HUNTERS CAPITAL, LLC, et al.,

Plaintiffs,

vs.

CITY OF SEATTLE,

Defendant.

Case No. 2:20-cv-00983-TSZ

DECLARATION OF BRADFORD G.
AUGUSTINE IN SUPPORT OF
PLAINTIFFS' RESPONSE TO CITY OF
SEATTLE'S MOTION FOR SUMMARY
JUDGMENT

Hearing Date: November 15, 2022

I Brad Augustine, declare as follows:

1. I am a co-owner of Madrona Real Estate Services LLC ("MRES"), Madrona Real Estate Investors IV LLC, Madrona Real Estate Investors VI LLC, which own or manage real estate located in Capitol Hill. MRES manages 12th and Pike Associates LLC, which owns a building that is located at 12th Avenue and Pike Street, (collectively, the "Madrona Entities")

2. The building owned by 12th and Pike Associates was on one of the corners of the CHOP zone.

3. During CHOP and CHAZ in June 2020, the streets adjacent to all of the Madrona Entities' properties all had diminished access, and there was little or no police presence.

DECLARATION OF BRADFORD G.
AUGUSTINE IN SUPPORT OF PLAINTIFFS'
RESPONSE TO CITY OF SEATTLE'S MOTION
FOR SUMMARY JUDGMENT
(Case No. 2:20-cv-00983-TSZ) - 1

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1 4. Every one of the Madrona Entities experienced a higher level of graffiti due to
2 CHOP, and there were makeshift shelters and encampments everywhere. The Madrona Entities
3 incurred additional graffiti removal costs due to the presence of CHOP and the lack of police
4 presence.

5 5. At the 12th and Pike Associates building, there was a tenant called Sway and Cake
6 that could have partially opened in June, but the opening was delayed until July 2020, due to the
7 presence of CHOP. The tenant did not feel comfortable opening due to the presence of armed
8 persons loitering outside her business at one of the CHOP barricades.

9 6. Traffic on 12th Avenue going North from Pike and 12th Avenue was blocked due
10 to the presence of barricades relating to CHOP. Sway & Cake is located directly on the corner of
11 12th Avenue and Pike St., and its entrance was immediately adjacent to the barricades, where
12 there were continually people gathering in the streets and sidewalks and guarding the barriers.

13 7. During CHOP, we had several tenants calling about clearing people that were
14 hanging out near the Madrona Entities' buildings, and had difficulty getting the police to address
15 the situation.

16 8. Sometime between June 1 and June 30, there were much more aggressive
17 homeless people sleeping on the rear stoop area of Madrona Real Estate Services's back door. I
18 called the police, but they would not come. One day, they lit a fire right next to the back door.
19 The building is wood and it does not have sprinklers, and unfortunately ashes and soot were
20 sucked into the building, and were everywhere inside the office, requiring a time consuming
21 clean-up.

22 9. CHOP had a huge impact on businesses within and close to CHOP, as people
23 were afraid to come to the area once CHOP became known as a lawless and violent area. There
24 has been a long-lasting impact on the area, and in general, people stayed away from the Capitol
25 Hill area in 2020 following CHOP, and even part of 2021.

26 10. In June 2020, the Madrona VI building experienced a break-in by squatters that

1 caused extensive damage to the building. The police would not come and remove the squatters,
 2 and we had to let them live there until CHOP was over. The squatters literally trashed the entire
 3 second floor apartment. They did not leave until August or September of 2020.

4 11. I understand that the City has defined the area in which it “facilitated protests as
 5 the area bounded by Denny, Broadway, 13th Ave. and Pike St., and pointed out that the Seattle
 6 Police Department’s “Red Zone” had a similar by slightly smaller boundary, and that therefore
 7 buildings outside those boundaries could not have been affected by what the City did to
 8 encourage and establish CHOP.

9 12. All of Madrona’s buildings at issue in this lawsuit were inside or within two
 10 blocks of the Seattle Police Department’s “Red Zone” and were continuously overrun by people
 11 drawn by CHOP from the time that the police left the East Precinct on June 8, 2020, through the
 12 end of June in 2020, and in our experience, the police were also not responding to routine calls
 13 within that area as well. Neither the people drawn by CHOP nor the City treated the barricades,
 14 the Red Zone, or any specific streets as a hard boundary.

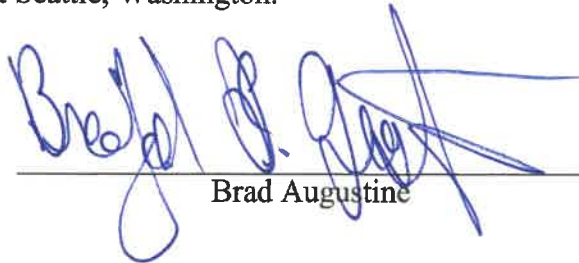
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1 I declare under the penalty of perjury under the laws of the United States of America and
2 the State of Washington that the foregoing is true and correct.

3 DATED this 25th day of October, 2022 at Seattle, Washington.

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Brad Augustine